

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

FAITH ELLEN BOVEE,

Plaintiff,

-vs-

Case No. 16-C-0123

**CAROLYN W. COLVIN,
Acting Commissioner of Social Security,**

Defendant.

DECISION AND ORDER

Plaintiff Faith Ellen Bovee requests permission to proceed before this Court without prepaying the filing fee (ECF No. 4) on her appeal from the denial of her applications for social security disability benefits and supplemental security income. In order to authorize a litigant without prepaying the filing fee, the Court must make two determinations: first, whether the litigant is unable to pay the costs of commencing this action; and second, whether the action is frivolous or malicious. 28 U.S.C. §§ 1915(a) and (e)(2)(B)(i). The Court must deny a request to proceed without prepaying the fee if (1) the allegation of poverty is untrue; (2) the action is frivolous; (3) the action fails to state a claim; or (4) the action seeks monetary relief against an immune defendant. 28 U.S.C. § 1915(e)(2).

By her request to proceed without prepaying the filing fee, Bovee avers

that she is single and has no persons whom she is legally responsible to support. Bovee avers that she has resided in a nursing home for more than 12 months and her care is paid for by the state and other governmental funding.

Based on the information provided, Bovee has satisfied the requirements of 28 U.S.C. § 1915(a) by demonstrating that she is unable to pay the \$350 filing fee for this action. Furthermore, Bovee's Complaint states arguable claims for relief. Accordingly, Bovee's request to proceed without prepaying the filing fee is granted.

**NOW, THEREFORE, BASED ON THE FOREGOING, IT IS
HEREBY ORDERED THAT:**

Bovee's request to proceed without prepaying the filing fee (ECF No. 4) is **GRANTED**.

Dated at Milwaukee, Wisconsin, this 5th day of February, 2016.

BY THE COURT:


HON. RUDOLPH T. RANDA
U.S. District Judge